

# EXHIBIT A

1114 Avenue of the Americas

New York, NY 10036

212 506 3900 main

[www.stephoe.com](http://www.stephoe.com)



Michael Campion Miller  
212 506 3995 direct  
212 506 3950 fax  
[mmiller@steptoe.com](mailto:mmiller@steptoe.com)

April 28, 2017

Via E-Mail

Janis Echenberg  
U.S. Attorney's Office, SDNY  
One St. Andrew's Plaza  
New York, NY 10007

Re: *U.S. v. Alain Kaloyerros*, S.D.N.Y., 16-Cr-00776 (VEC)  
Request for Particulars

Dear Ms. Echenberg:

This firm represents defendant Alain Kaloyerros in the above-referenced matter.

We write to request that the Government provide particulars for certain allegations in the Government's November 22, 2016 Indictment. Particulars are warranted to enable Dr. Kaloyerros to prepare a defense to the charges against him. We submit this request to avoid motion practice under Federal Rule of Criminal Procedure 7(f).

Specifically, we request particulars for:

1. Paragraph 13

- a. Identify with particularity the basis for the allegation that LPCiminelli received a contract to build a manufacturing plant "as a result of its position as a preferred developer[.]"

2. Paragraph 22

- a. Identify with particularity the basis for the allegation that Howe and Dr. Kaloyerros "devised a plan to secretly rig" the bidding process.
- b. Identify with particularity the rules governing the bidding processes that Howe and Dr. Kaloyerros allegedly rigged.

Janis Echenberg  
April 28, 2017  
Page 2

- c. Identify with particularity the basis for the allegation that they did so in exchange for payments to Howe.
- d. Identify with particularity the alleged payments to Howe.

3. Paragraph 23

- a. Identify with particularity the basis for the allegation that Howe and Dr. Kaloyerros pre-selected COR and LPCiminelli.
- b. Identify with particularity the basis for the allegation that this pre-selection was related to contributions to the Governor and payments to Howe.
- c. Identify with particularity the alleged contributions to the Governor.
- d. Identify with particularity the basis for the allegation that these contracts “were particularly lucrative.”
- e. Identify with particularity the basis for the allegation that COR and LPCiminelli’s status as Preferred Developers entitled them to future contracts without any additional competitive bidding.

4. Paragraph 24

- a. Identify with particularity the basis for the allegation that information was provided to COR and LPCiminelli, that the information was secret, what information was provided, who provided it, when it was provided, who was aware of it being provided, and that it was provided to no other developers.
- b. Identify with particularity the basis for the allegation that the RFPs were “secretly tailor[ed]” to favor COR and LPCiminelli and all the ways in which they were allegedly tailored.

5. Paragraph 25

- a. Identify with particularity the basis for the allegation that the defendants “deceived and concealed material information from Fort Schuyler and its Board of Directors” and how they allegedly carried out this scheme. Identify with particularity the basis for the allegation that Dr. Kaloyerros “represented to Fort Schuyler that the bidding processes for the Syracuse RFP and Buffalo RFP were fair, open, and competitive.”

Janis Echenberg  
April 28, 2017  
Page 3

- b. Identify with particularity the basis for the allegation that Dr. Kaloyerros and "Howe had predetermined that the Syracuse Developer would be awarded the Syracuse RFP and the Buffalo Developer would be awarded the Buffalo RFP."
6. Counts One (Paragraphs 35-39), Two (Paragraphs 38-39), and Four (Paragraphs 42-43)
  - a. Identify with particularity the property of which the defendants allegedly deprived Fort Schuyler Management Corporation.
  - b. Identify with particularity the identities of the alleged unnamed co-conspirators. If you are unaware of an unnamed co-conspirator's identity, state the evidentiary basis for alleging the unnamed co-conspirator's involvement.
  - c. Identify with particularity the wire transmissions in interstate and foreign commerce.

\*

\*

\*

Please let us know promptly whether there are any requests set forth in this letter with which you decline to comply. We are available to discuss any of the foregoing requests at your convenience. We reserve the right to supplement these requests as we review the discovery material and prepare for trial.

Thank you.

Very truly yours,

Michael C. Miller

*Counsel for Dr. Kaloyerros*

cc: AUSAs Robert Boone, David Zhou, Matthew Podolsky (via e-mail)